

# MRS. LATIMER'S DRAMATIC STORY OF THE SHOOTING; COLORED MAID SAW TUTHILL'S PICTURE IN WIDOW'S ROOM.

Child Contradicts Mother's Story About Pulling Down the Shades—Not Down, She Says, Till the Police Came.

with them. I did not then know whether he was in or out of bed when he was shot. I give what Mr. Latimer said.

The witness said that he was not prepared to state at any time Mr. Latimer was in his full senses, but there were times when the witness was impressed that Mr. Latimer was quite rational. Doctors might disagree on that point, he said, but he felt sure at times Mr. Latimer was in a rational state of mind. This testimony was regarded of great importance.

Dr. Downing, another physician, declared that Latimer said: "I NEVER HAD A CHANCE, THE COWARD SHOT ME IN BED."

This was on the second day after his arrival at the hospital, the doctor testified.

Q. Was Mr. Latimer then in a rational state of mind? A. I think so. Q. In your opinion could Mr. Latimer have identified his assailant were he rationally able to do so?

The witness hesitated. "I would not like to pass opinion on that point. I would place myself in conflict with associates at the hospital were I to answer."

Q. Who had charge of Mr. Latimer, who had the authority to say he should or should not make a statement? A. Dr. Morrison had the authority, he took full charge of Mr. Latimer.

## MRS. LATIMER'S DRAMATIC STORY OF THE SHOOTING.

Mrs. Latimer's testimony, stenographically reported, was as follows:

"Directly after supper I went out, but returned very soon, and we all sat down on the stoop. We were joined there by Mr. Ayer, a neighbor, whom we asked to sit with us. I said to my husband, 'Aren't you going to sleep?' He said, 'Yes. Certainly.' He bought ice cream, and the children, as well as all of us, enjoyed it. We went upstairs later and retired about 9:30 o'clock. I turned out the gas.

"I was disturbed by some one moving in the room. 'What is the matter, Sadie?' asked my husband. 'Some one is in the room,' I said. With that I saw the object move across the room and disappear in my clothes press."

The witness began to weep. Her voice was almost inaudible. "I arose," she continued, "and entering the bathroom, secured matches. I lighted the gas quickly and I addressed my husband, saying, 'Get up, there is a burglar.' My husband arose. The burglar came out of the closet. I tried to grapple with the burglar. He attempted to shoot me. I screamed. Then my husband went toward him." Mrs. Latimer faltered.

**Tells of the Shooting.** "What then happened?" asked the District-Attorney. "The burglar fired," half-hysterically answered the witness. There was a deathlike pause.

"Go on," said Mr. Clarke mildly. "My husband staggered and fell. The struggle had taken place between the closet and the chiffonier. I RUSHED TOWARD THE BURGLAR AND PUSHED DOWN HIS HAND AS HE AGAIN FIRED AT MY HUSBAND, WHO FELL PROSTRATE TO THE FLOOR."

"Then the burglar jumped over my husband's body and rushed downstairs. I followed, half-grown, crying: 'HE HAS KILLED BERT! HE HAS SHOT MY HUSBAND!'"

After the burglar ran downstairs, Mrs. Latimer said, she returned to the sleeping room. Her husband was bleeding and unconscious. "I then rushed to the window, climbed out on the porch and screamed, 'Bert is murdered! Send for police!' When the police arrived they found the rear basement door opened."

At this point Mr. Clarke gave this explanation: "I wish to say now that this is a general investigation, and not in the nature of a trial. Were it such, I should feel justified in bringing out facts other than can be adduced here. Much stated here may be irrelevant on trial. I am here simply to lay before the Coroner such facts as are now in possession of the police."

Mrs. Latimer regained her composure quickly.

**Asked About Tuthill and Others.** "I am requested to ask," said Mr. Clarke, "were you ever in the company of Mr. W. H. Tuthill outside of your house?"

"Yes," said Mrs. Latimer. Q. Did your husband at any time ever have any trouble with a Mr. Tuthill? A. Yes. I was shopping in New York one day. It was Saturday, and a half holiday. I got the car at Twenty-third street and Sixth avenue, intending to go to Stern's. As I got off the car Mr. Tuthill approached and grabbed me by the arm and said: 'What are you doing here?' I told him that I was going to Stern's, but it was closed, and then asked him what he was doing there. He said he was going home. I was about to go east to take the Twenty-third street ferry home. He said he was tired waiting for his car, and we took a car downtown and over the bridge. I went home.

Q. What did your husband have to say about Mr. Tuthill meeting you and coming home with you? A. He thought it very strange, and asked me to explain. I told him it was a mere accident that I had met Mr. Tuthill. Mr. Tuthill explained to my husband and wrote a letter explaining. My husband was perfectly satisfied.

**Wrote Notes to Elwell.** Q. Did you ever carry on a communication with a Mr. Elwell; did you write him notes? A. Yes, I did. I wrote him a few notes. It was in a jest. That was three years ago. Mr. Elwell thought it funny that I was married.

"I want you to recall, if you can, an incident that occurred in your house some time ago, when a Mr. Well, it is said, drank too much and was put to bed to sleep it off."

"Yes, I do. I don't remember the date, though. It was a long time ago—three or four years."

"Did your husband know of this incident?" "No. I don't think he did. I know it was an indiscreet thing to do, but I did not think much of it at the time."

Q. Did you ever tell Mr. Elwell your husband was going to Chicago? A. No, sir; there never was any correspondence or communication between us unknown to my husband.

Q. Do you know Mr. Whitney—Mr. E. Whitney? A. Yes. Q. Did your husband ever ask you about him? A. Never.

"Do you know Mr. Weir, who became intoxicated in your house, and was put to bed?"

"Yes," answered the witness quickly. "I told Mr. Latimer about it."

Q. When was it? A. Really, I don't recall. This incident was not further touched or enlarged upon.

**Prompted by Capt. Reynolds.** The witness looked straight into the eyes of the District-Attorney, whose questions concerning these men were prompted by Chief of Detectives Reynolds, who sat near Mr. Clarke. It was evident that Mr. Reynolds was anxious to have the witness asked many other questions along the same line, but Mr. Clarke shook his head. Reynolds frequently referred to a list of names and memoranda.

He said to a friend near by: "I HAVE SOMETHING UP MY SLEEVE." Mrs. Latimer had become fully composed and was prepared for the next question.

"Did you notice the blood on your husband's body when you returned to the room?" "I did," promptly replied the witness.

To the surprise of herself and the spectators she was then excused. Her testimony had shed no light on the identity of the murderer of her husband.

Capt. Reynolds said he was satisfied. Beyond the insinuation, created



BYRON LATIMER. DR. MORRISON.  
MRS. LATIMER LEAVING THE COURT-ROOM.  
(Photographed to-day by an Evening World photographer.)

by asking the questions as to Tuthill, Elwell, Weir and Whitney absolutely was adduced to lead to the detection of the man who murdered Albert C. Latimer in his home on the morning of July 2.

## BYRON LATIMER BRINGS IN NAME OF TUTHILL.

G. Byron Latimer's testimony brought the name of W. H. Tuthill prominently into the case.

"At the hospital," he said, "I asked my brother if he suspected anybody. He said 'No.' I asked if he knew where he was when he was shot. He said 'No.'"

"That was my first talk with him, and I saw him next day, but the subject of the shooting was not referred to in my presence. We afterward spoke of a man by the name of Tuthill. He asked me: 'IS TUTHILL BEING WATCHED?' I said 'Yes.'"

Q. Was Tuthill watched? A. No. Q. Why did you answer him that way? A. I wanted to relieve his mind. I knew he was brooding over it. He knew that Tuthill had visited his house and did not like it.

Q. Didn't this have any significance to you? A. Not to me. He said Tuthill was visiting his house and he did not like him there when he (Latimer) was not there.

Q. What connection did that have with the shooting of Mr. Latimer? A. None whatever.

Q. Did you ask him why he asked you if Tuthill was being watched? A. No.

Q. Why did he not want Tuthill at the house? A. Because, I believe, he had forbidden Tuthill coming to the house.

Q. When had he called at the house? A. Two years before.

Q. Did you hear of any occasion when Mr. Latimer put Mrs. Latimer out of the house? A. I did not.

Q. Did you tell Fannie Latimer this? A. Yes, it was a matter of brother? A. No.

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## BABY MARION AND MAID ON WITNESS STAND.

Tessie Miles, the colored maid, was the second witness at the inquest.

She said she was aroused by the screams of Mrs. Latimer and opened her own bedroom door and ran into Mrs. Latimer, who was in her own room and very much excited. Tessie identified the lantern, shoes and cap found in the house. They had never been seen in the house before, she said. The windows were thoroughly secured and doors locked when she went to bed.

Q. Did Capt. Reynolds call your attention to a splintered door near the cellar? A. Yes, sir.

Q. Did you tell him it was an old splinter mark? A. Yes.

Q. I am requested to ask if there is a picture of Mr. W. H. Tuthill in the house? A. Yes. Mr. Tuthill's picture is where it can be seen from the bed.

A. Where is Mr. Latimer's picture? A. In the closet, hidden away. The other picture is on the stand. It is a small picture.

That completed Tessie Miles' testimony.

**Baby Marion Latimer Testifies.** Little Marion Latimer, her bright eyes filled with tears, was called. She said she was aroused by her mother's cries of murder.

Q. Did you hear what your mother said to the police? A. Yes, she said papa was shot by a burglar.

Q. Were you in bed when you were aroused? A. Yes. When I heard mamma's cry I got up and ran into mamma's room and saw papa lying on the floor. Mamma was walking around screaming. A light was burning in her room.

Q. Did you notice the shades? A. Yes; they were up. I remember, until the policeman came.

Q. What did mamma tell the police? A. She said: 'My husband is shot, send for my doctor. Dr. Morrison, around the corner.'

The child delivered her testimony in a straightforward manner.

**Story of Miss Venning.** Miss Margaret Venning, the next witness, is the niece of Mrs. Latimer. She was a guest in the Latimer house on the night of the shooting. When questioned by Mr. Clarke she testified that she lived at East Orange, N. J.

"I was a guest of my uncle on the night he was shot," she said. "We all retired to our rooms a little after 9 o'clock. I went to bed shortly afterward. Nothing occurred in the house to disturb me."

"There were two shots fired, I think. I was awakened, and upon going into my aunt's room I saw my uncle lying on the floor wounded."

Q. Did you see any one in the house? A. Yes, sir. When I woke up I saw the figure of a man dash past my bedroom door. I cannot describe the man. I could not see his face. He was running from the door of my aunt's room to the stairs. I was still in bed.

Q. Was this person whom you saw running toward the stairs a stranger? A. He certainly was.

Day of Sensational Developments, in Which Dying Man Is Quoted as Saying No Burglar Shot Him—Members of the Family Tell About Trouble Over Visits of Tuthill.

He was not an inmate of the house, and nobody I had ever seen before.

Continuing her narrative, the young witness said that as soon as she got up and dressed herself she telephoned to Dr. Chester Whitney, whom she found was in New York. She then returned to the house.

Coroner Williams then asked the girl several questions as to when the members of the household retired on the night of the shooting.

What Schepp Saw.

Policeman Adolph Schepp, of the Gates avenue police station, who was the first officer to arrive at the Latimer house on the night of the shooting, was called. He heard the cries, and first thought they were uttered by some person in a nightmare. He rushed to the Hancock street house. Mrs. Latimer was over the porch shouting: "Murder! My husband is shot!" Schepp climbed to the porch room through a neighboring window. He could not get into the room. He climbed through the east window, where Mrs. Latimer stood screaming.

"Burglars have been here," she exclaimed. Schepp found the excited inmates of the house except Mrs. Latimer in the room where the wounded man lay.

"Send for an ambulance at once," he said.

"No," exclaimed Mrs. Latimer, "I want my own physician. Will no one bring Dr. Morrison?"

"Previous to sending for the ambulance," said Schepp, "I was bending over Mr. Latimer. Mrs. Latimer said to me: 'Do you think he will die, officer? I hear the death rattle.' I said to her in reply.

"When I searched the house Mrs. Latimer followed me downstairs. There on a step I picked up a silver butter knife. I looked at it closely."

"Why, I never saw that before," Mrs. Latimer said, as she looked over my shoulder from a step on the stairway. Two mysterious men entered the Latimer house shortly after the shooting. They walked straight into the parlor.

"How is he?" one of the men asked in low tones of Mrs. Latimer, who was calm. She said something inaudible in reply.

Q. Was the shorter of the two men a young man, and did he wear glasses? A. Yes.

Q. It was not brought out who the two men were. The police, it is known, make much of their visit.

Schepp found a pen and lamp and hat. He did not see the shoes and cap until they were handed to him by Tessie Miles.

**HEARD WOMAN SAY DON'T WALTER, OH, DON'T, ALBERT!**

Louis Harper, a neighbor, gave startling testimony. He was awakened when he heard a woman exclaim: "DON'T WALTER! OH, DON'T, ALBERT!" before the shooting. Then there were two shots and the woman screamed hysterically.

Q. Was it Albert or Walter that was said? A. I am not sure, I think it was Walter.

**WITNESSES TELL OF SHOTS AFTER THE SHOOTING.**

C. R. Rich, one of the first citizens aroused by cries after the shooting, said that when he arrived Mrs. Latimer was on the stoop shouting: "Get a doctor!" While running toward the house he saw Mrs. Latimer at the window.

"What doctor do you want?" the witness asked her. "I want Dr. Morrison," she answered, "and right away."

Rich summoned Dr. Morrison, who soon arrived, but not before the witness returned to the Latimer house and entered with a Mr. Lawson.

"Mrs. Latimer coolly took a hand in directing affairs," Rich testified. "She made many suggestions as to the best plan for pursuing the burglar. She suggested going across the fences. At this time Dr. Morrison arrived at the house."

"Doctor, doctor, please," shouted Mrs. Latimer from the doorway as he entered the house. He soon called for hot water. "I must have the assistance of another physician," said Dr. Morrison after examining Mr. Latimer.

Evidence bordering on the sensational was developed in the testimony of the next witness, District-Attorney Clarke and Capt. Reynolds had been in conversation. Roundman Thomas Agnew, of the Eighth avenue station, was called. He said he was well acquainted with Mr. Latimer. He was a member of the DeWitt Council of the Royal Arcanum, of which Latimer was collector.

"I called at the house a few hours before the shooting to pay my assessment," said Roundman Agnew.

After Mr. Latimer was taken to the hospital I visited him there and remained at his bedside two or three minutes. I went there by direction of Capt. Buchanan for the purpose of getting a statement if Mr. Latimer was able to make one. Mr. Latimer was delirious at the time and was unable to talk, although he had recognized me when I entered the room."

Q. Did he speak to you? A. He tried to speak. It sounded something like "Did you get the parties?" He was very weak and unable to make a statement up to the time he died.

Montague Lawson testified that he was in the company of Agnew and corroborated all that he had said. Lawson, a waiter at the hotel, was seen by Policeman Schepp, said Lawson, "holding the candle as we went down the stairs. I asked if we had searched the back parlor. The policeman said no. We went into the back parlor, lit the gas and made an examination of the room. After that we went to the basement and explored the back yard. The lawn-mower had fallen in front of the door leading to the extension and we could not open the door without removing it."

John Meldrum, the Latimer's next-door neighbor, said he had known the murdered man for six years.

"On the night of the shooting," said Meldrum, "I heard a scream, followed by a pistol shot. I heard one shot, I think, and it came almost simultaneously with the shout for help. I lay still a moment, then got up, and on going to the front window saw Mrs. Latimer on the roof of the porch. She reached out and caught her by the arm and asked her what was the matter."

"They've killed Bert!" she replied, and then shouted again for the police. A few minutes later I went into the house with the doctor and found Mr. Latimer lying on his face. From that time I did not see him again until after he died."

A deposition of Witness Forming, No. 23 Halsey street, in the rear of the Latimer house, which was taken by Coroner Williams in his office, was the first of the shooting sworn to on the night of the shooting.

Forming thought the police were firing them and paid no attention for a moment. Then he went to the back window and remained a few minutes. Then the neighborhood was in an uproar. He remained there fifteen or twenty minutes, then went to bed. It was not dark and light was coming from the electric light across the yard. He saw the police when they came. If any one had the shooting and gone over the back yard he would have seen him. He was confident that nobody had left. He heard something said about burglary, but paid no particular attention to it. The fences in the rear are six or seven feet high and vine-covered.

**HEARD WOMAN SHOUT "HE IS ABUSING ME!"**

Mrs. Fanny Latimer, sister of the murdered man, was a prominent figure of both morning and afternoon sessions. She took a seat directly at the foot of the witness stand and was industrious in taking notes of the testimony. She is a stenographer, and none of the testimony escaped her ready pencil.

Beside Miss Latimer sat District-Attorney Clarke, who frequently chatted with her. She would not state to Mr. Clark or reporters her purpose in taking down the testimony.

"It is good practice," she said smiling. The afternoon session began with calling of Coroner Flaherty. He told about visiting the hospital and his efforts to see the dying man and obtain an ante-mortem statement.

"I went to the hospital," he said, "and saw one of the sisters. I was told to wait until Dr. Morrison was sent for. Dr. Morrison said Mr. Latimer was delirious and dying."

Q. Did you know until that day that Mr. Latimer was rational? A. No, sir. All the information I had received was what I have just related.

Thomas Gannon, of the Coroner's office, corroborated Coroner Flaherty. Jerome Shore, of No. 380 Hancock street, who came from the Latimer house he heard some person across the street ask what was the matter.

The reply came from the Latimer house and from the same person who had been making the outcry: "HE IS ABUSING ME—HE IS ABUSING ME!"

Then the witness heard shots fired. The night was warm and the windows were open, the witness said, so he could distinctly hear what was said by the person who screamed. That person, he said, was Mrs. Latimer.

Mr. Shore's wife, a gray-haired woman, corroborated her husband in everything he said. She said that she distinctly heard the cries and the statement, "He is abusing me." This was repeated by the person who made the inquiry, "What is the matter?" A woman answered the question.

Q. What was the character of the

scream? A. They were the cries of a woman in great distress. There was also the cry of fire, which seemed to come from the Latimer house.

## FANNY LATIMER TOLD BROTHER ABOUT TUTHILL.

Mrs. Margaret Miller, of No. 125 Corbett street, the mother of Mrs. William C. Latimer, was called to the stand.

Q. Do you know something about this case? A. No.

Q. Didn't you tell some one on the Glen Island boat that you did? A. No, only what I read in the newspapers.

Mrs. William C. Latimer looked as if about to faint. Her husband, who stood by her side, could throw no light on the subject.

Harry I. Latimer went on the stand and said: "My brother William told me my brother was shot in bed. I think he said Byron told him."

**Fanny Latimer's Story.** Fannie Latimer, sister of the deceased, is a handsome woman and looks like Byron. She took the stand and testified: Q. Was Mr. Tuthill's name mentioned while you were at the hospital? A. Yes, by Dr. Morrison. He said Albert seems to have Mr. Tuthill on his mind and that he raved about him. He said my brother told him Mr. Tuthill had confessed to him.

Q. Confessed what? A. Why, that he did—why, killed him, I suppose.

"He seemed perfectly rational on July

(Continued on Fourth Page.)

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